

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 2:05-cr-152 (15)

KEVIN REX RUTH

**Report And Recommendation
Concerning Plea Of Guilty**

The Defendant, by consent, has appeared before me pursuant to Rule 11, F.R.Cr.P. and has entered a plea of guilty to Count one of the Indictment and has agreed to the forfeiture described in Count 13 of the Indictment. After examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determine that the guilty plea is knowingly and voluntary and that the offenses charged are supported by an independent basis in fact containing each of the essential elements of such offense. I therefore RECOMMEND that the plea agreement and the plea of guilty be accepted and that the Defendant be adjudged guilty and sentenced accordingly. I further RECOMMEND that the Court make a preliminary finding that the money described in Count 13 is subject to forfeiture. The Defendant remains on conditions of release pending sentencing.

Date: February 16, 2006

/s/ Terence P. Kemp
TERENCE P. KEMP
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. Section 636(b)(1)(B).